

Testimony in opposition to SB627

Transpiration and Trade Committee hearing 12-8-16

Bill Sponsor: Sen. Kowall

P3 which Sets up an Authority & Toll Roads

Representatives,

Authorized to speak on behalf of the membership of Michigan Campaign for Liberty, a 501c4 whose interests include but not limited to taxation issues, and constitutional governance.

We stand in opposition to Senate Bill 627.

SB627 is a deeply flawed P3 that in various forms has been unsuccessfully floated in past legislatures for approximately 10 years. Past legislatures allowed this idea to die where it belongs, on the scrapheap of bad policy ideas.

There are several problems with SB627;

The problem with S.B. 627 is there is no governance. It simply gives the state department's complete authority to set up what are in essence "tax districts" with the power to utilize eminent domain by appointed officials. At no time in this entire process are the voters involved.

1). The authority board is comprised of appointed officials. The powers that this bill delegates to them must be conducted by elected officials. If not why have elections???

2). Pg. 11, lines 11 through 15: State Government has been asking for the authority to use this technology for 10 years. In the past the legislature, both republicans and democrats have said no. The legislature NEEDS to develop a statutory set of guidelines that State and local Governments have to follow. THIS bill allows

the departments to develop those guidelines on their own with NO oversight. This allows numerous technologies that the legislature has already said no too. ie red light cameras.

3). Pg. 5, Lines 18 through 25: It specifically says that the public authority has the legal right to utilize eminent domain to take property and all other property rights and to be able to LEASE, license to, or operated by a private party. This extraordinary power must and shall only be used by a government agency that reports directly to elected officials. City council, county commissioners ect.

4). Pg. 11 , Lines 5 through 7: It specifically allows unelected officials to “ impose and collect user fees, increase the user fees, and use lawful measures to enforce the user fees.

5). Pg.11, lines 7 and 8: authorize another person to impose, collect, increase and enforce the user fee to same extent as available to the public authority. So now unelected officials sitting on an authority are delegating this power to “Another Person”. Not defined.

6). Pg.14, line 17 and 18: It reemphasizes the authority and power to impose fees on citizens.

7). Pg. 14, Line 23 through 25: Allows the authority to impose penalties up to 3 times the amount due.

8). Pg. 15 Line 1 through 4: Allows the authority or “ Another Person” to bring a civil action against a citizen who is 180 days past due on paying its bill.

While at the same time this bill sets up “tolling”, MDOT has on its website a section on why “Toll roads’ are not viable in Michigan....simply stated, we are not a “pass through state”, and therefore Michigan drivers would be stuck with this tax increase disguised in the form of a toll road.

Most egregious about SB627, is that the ink is not even dried on the “fuel tax and vehicle registration” increases from last session, and now the legislature seeks to punch drivers in the gut during the holiday with yet another tax for roads?

I urge you to follow the path of your past colleagues and vote NO on SB627.

Testimony presented by David A Dudenhoefer  
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